International Covenant on Civil and Political Rights

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Human Rights Committee

Concluding observations on the sixth periodic report of Australia*

1. The Committee considered the sixth periodic report of Australia (CCPR/C/AUS/6) at its 3418th and 3419th meetings (see CCPR/C/SR.3418 and 3419), held on 18 and 19 October 2017. At its 3442nd and 3444th meetings, held on 3 and 6 November 2017, it adopted the present concluding observations.

A. Introduction

2. The Committee welcomes the submission, albeit late, of the sixth periodic report of Australia through the simplified reporting procedure in response to the list of issues prior to reporting prepared under that procedure (CCPR/C/AUS/Q/6). It expresses appreciation for the opportunity to renew its constructive dialogue with the State party's delegation on the measures taken during the reporting period to implement the provisions of the Covenant. The Committee thanks the State party for the oral responses provided by the delegation and for the supplementary information provided to it in writing.

B. Positive aspects

3. The Committee commends the State party for its commitment to ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. It welcomes the following measures taken by the State party:

(a) The adoption of the Human Rights (Parliamentary Scrutiny) Act 2011, requiring a statement of compatibility with human rights for all bills and disallowable legislative instruments, and establishing the Parliamentary Joint Committee on Human Rights;

(b) The establishment of the Independent National Security Legislation Monitor and the Age Discrimination Commissioner;

(c) The establishment of a standing national human rights mechanism to strengthen engagement with human rights reporting;

(d) The amendments to the Sex Discrimination Act 1984, prohibiting discrimination on the basis of sexual orientation, gender identity and intersex status, in 2013;

(e) The adoption of the Australian Government Guidelines on the Recognition of Sex and Gender of July 2013.

* Adopted by the Committee at its 121st session (16 October–10 November 2017).

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4. The Committee also welcomes the State party's accession to the Optional Protocol to the Convention on the Rights of Persons with Disabilities, on 21 August 2009

C. Principal matters of concern and recommendations

The Covenant in the domestic legal order

5. The Committee notes the State party's position that existing domestic laws adequately implement the Covenant provisions, but observes that gaps in the application of Covenant rights still exist. The Committee thus remains concerned about the lack of comprehensive incorporating legislation. While acknowledging the efforts made to provide human rights training to judges, lawyers and public servants on an as-needed basis, the Committee is concerned about reports suggesting that there is limited awareness of the Covenant among State officials, which, coupled with the failure to incorporate the Covenant into domestic law, could adversely affect the effective implementation of the Covenant at the domestic level (art. 2).

6. **The Committee reiterates its recommendation (see CCPR/C/AUS/CO/5, para. 8) that the State party should adopt comprehensive federal legislation giving full legal effect to all Covenant provisions across all state and territory jurisdictions. It should also step up efforts to raise awareness about the Covenant and ensure the availability of specific training on the Covenant at the state and territory levels for judges, lawyers, prosecutors, law enforcement officers and public servants and for federal immigration staff.**

Reservations

7. The Committee notes that the State party maintains its reservations to articles 10, 14 (6) and 20 of the Covenant and that it considers them justified (art. 2).

8. **The State party should review periodically the justifications for, and the necessity of, maintaining its reservations to articles 10, 14 (6) and 20 of the Covenant with a view to withdrawing them.**

Views under the Optional Protocol

9. While noting the State party's explanation that it gives due consideration, in good faith, to the Views adopted by the Committee, regards them as valuable indicators of the scope and nature of its obligations under the Covenant, and implements them where appropriate, the Committee remains concerned (see CCPR/C/AUS/CO/5, para. 10) about the State party's repeated failure to implement its Views. The Committee recalls its long-standing position, articulated in its general comment No. 33 (2008) on the obligations of States parties under the Optional Protocol to the International Covenant on Civil and Political Rights, that its Views exhibit some of the principal characteristics of a judicial decision and represent an authoritative determination by the organ established under the Covenant, charged by all State parties with the task of interpreting that instrument. Thus, the Committee regards implementation of the remedies indicated in its Views as an important part of the obligations of States parties under article 2 (3) of the Covenant and under the Optional Protocol (art. 2).

10. **The State party should promptly and fully implement all pending Views adopted by the Committee so as to guarantee the right of victims to an effective remedy when there has been a violation of the Covenant, in accordance with article 2 (3) of the Covenant.**

Scrutiny of federal legislation for compatibility with human rights

11. While appreciating the establishment of the Parliamentary Joint Committee on Human Rights to scrutinize bills with a view to ensuring their compatibility with international human rights treaties, including the Covenant, the Committee is concerned that bills are sometimes passed into law before the conclusion of review by the Parliamentary Joint Committee, and about reports questioning the quality of some

statements of compatibility, notwithstanding the guidelines issued by the Attorney-General and the Parliamentary Joint Committee (art. 2).

12. **The State party should strengthen its legislative scrutiny processes with a view to ensuring that no bills are adopted before the conclusion of a meaningful and well-informed review of their compatibility with the Covenant.**

Australian Human Rights Commission

13. The Committee is concerned about reported attempts by senior politicians to discredit the work of the Australian Human Rights Commission in ways that might threaten its independence and the high public esteem in which it is held. The Committee also notes the cuts that have been made to the Commission's budget in recent years and welcomes the State party's assurance that such cuts are temporary and that the Commission's budget will be restored to its previous level (art. 2).

14. **The State party should refrain from taking any action or measures that could undermine the independence of the Australian Human Rights Commission, pursue its stated intention to restore the budget of the Commission, and ensure adequate funding for the Commission to continue to carry out its mandate effectively.**

Counter-terrorism measures

15. While acknowledging the State party's need to adopt measures to respond to the risk of terrorism, and while noting the safeguards in place to ensure respect for fundamental rights and freedoms, the Committee is nonetheless concerned about the haste with which some measures have been adopted, and the necessity and proportionality of certain counter-terrorism powers, including control orders, stop, search and seizure powers, questioning and detention warrants, preventive and post-sentence detention order regimes, "declared areas" offences and revocation of citizenship. While welcoming the mandate of the Independent National Security Legislation Monitor to review counter-terrorism legislation, the Committee is concerned that in the past, the State party has not promptly acted upon a number of recommendations made by the Monitor and by the Council of Australian Governments, and has in fact reauthorized measures such as control orders and preventive detention orders and referred them to a new round of reviews by the Monitor and the Parliamentary Joint Committee on Intelligence and Security. While noting the State party's explanation that many of the prescribed powers have not been used, or have been used only rarely as a last resort, the Committee is concerned that there is a risk that such emergency measures could, over time, become the norm rather than the exception (arts. 2, 9, 10, 12, 17 and 26).

16. **The State party should comprehensively review its current counter-terrorism laws, policies and practices on a continuing basis with a view to ensuring their full compliance with the Covenant, in particular by ensuring that any limitations of human rights for national security purposes serve legitimate government aims, are necessary and proportionate to those legitimate aims and are subject to appropriate safeguards. Moreover, it should act diligently on the outcome of such reviews.**

Comprehensive anti-discrimination legislation

17. The Committee is concerned about the lack of direct protection against discrimination on the basis of religion at the federal level, although it notes that a parliamentary inquiry is under way on the status of the human right to freedom of religion or belief. The Committee is also concerned about reported barriers to accessing effective remedies for discrimination, including the 6-month time limit for lodging complaints, the high cost of lawsuits, and the obligation for some complainants to seek leave to take their claims to court (arts. 2 and 26).

18. **The State party should take measures, including considering consolidating existing non-discrimination provisions in a comprehensive federal law, in order to ensure adequate and effective substantive and procedural protection against all forms of discrimination on all the prohibited grounds, including religion, and intersectional**

discrimination, as well as access to effective and appropriate remedies for all victims of discrimination.

Racism and hate speech

19. The Committee is concerned about: (a) reports of discrimination on the basis of ethnic, racial, cultural or religious background, with migrants from African countries being particularly targeted by discrimination and racial profiling; (b) attacks on places of worship and on individuals who are visibly religious or perceived to belong to a particular religion, such as Muslims, Jews and Sikhs; and (c) reported inconsistencies in anti-vilification laws across different states and territories (arts. 2, 7, 18, 20 and 26).

20. **The State party should strengthen its efforts, both through law enforcement activities and awareness-raising, to combat racial discrimination, hate speech and incitement to discrimination or violence on racial, ethnic or religious grounds, in accordance with articles 19 and 20 of the Covenant and the Committee's general comment No. 34 (2011) on freedoms of opinion and expression. It should, inter alia: (a) enhance funding and support initiatives aimed at promoting tolerance for diversity and at countering racism; (b) provide more training to law enforcement personnel, judges and prosecutors on the promotion of racial, ethnic and religious diversity and on the inadmissibility of racial profiling; (c) investigate hate crimes thoroughly, prosecute suspected perpetrators where appropriate and, if they are convicted, punish them and provide victims with adequate remedies; and (d) ensure the existence of adequate measures of response to instances of incitement to discrimination or violence on racial, ethnic or religious grounds, across all states and territories.**

Violence against women, including domestic violence

21. While welcoming the various measures taken to address violence against women, including the National Plan to Reduce Violence against Women and their Children 2010–2022 and the Stop the Violence project, the Committee remains concerned (see CCPR/C/AUS/CO/5, para. 17) that such violence persists and continues to have a disproportionate effect on indigenous women and women with disabilities. It notes that a review of the Family Law Act 1975 by the Australian Law Reform Commission has been under way since October 2017 and will address, inter alia, family violence and child abuse (arts. 2, 3, 7 and 26).

22. **The State party should strengthen its efforts to prevent and combat all forms of violence against women, including by:**

(a) **Ensuring data collection on domestic violence throughout all jurisdictions;**

(b) **Stepping up preventive measures and ensuring their effective implementation, including those funded through the Indigenous Advancement Strategy's Safety and Wellbeing Programme, and establishing an effective mechanism to encourage the reporting of cases of domestic violence;**

(c) **Providing victims with access to legal, medical and psychological assistance and sufficient, safe and adequately funded shelters;**

(d) **Improving support services to women with disabilities who are victims of domestic violence, including through the implementation of the relevant recommendations from the Stop the Violence project;**

(e) **Ensuring that cases of domestic violence are thoroughly investigated, that perpetrators are prosecuted and, if convicted, punished with appropriate sanctions, and that victims have access to effective remedies and means of protection.**

Non-therapeutic sterilization of persons with disabilities

23. While noting that, in its inquiry report of July 2013, the Senate Standing Committee on Community Affairs recommended limiting the practice of sterilizing persons for psychosocial reasons and strengthening the safeguards against abuse, the Committee

remains concerned about the compatibility of the practice of involuntary non-therapeutic sterilization of women and girls with intellectual disabilities and/or cognitive impairments with the provisions of the Covenant, particularly those concerning the prohibition against cruel, inhuman and degrading treatment, the right to privacy and equality before the law (arts. 2, 7, 17, 24 and 26).

24. **The State party should abolish the practice of involuntary non-therapeutic sterilization of women and girls with intellectual disabilities and/or cognitive impairments.**

Sexual orientation, gender identity and intersex status

25. The Committee is concerned that infants and children born with intersex variations are sometimes subject to irreversible and invasive medical interventions for purposes of gender assignment, which are often based on stereotyped gender roles and are performed before the children concerned are able to provide fully informed and free consent (arts. 3, 7, 9, 17, 24 and 26).

26. **The State party should give due consideration to the recommendations the Senate Standing Committee on Community Affairs made in its 2013 inquiry report on involuntary or coerced sterilization of intersex persons, and move to end irreversible medical treatment, especially surgery, of intersex infants and children, who are not yet able to provide fully informed and free consent, unless such procedures constitute an absolute medical necessity.**

27. The Committee notes that Family Court authorization is required for stage two hormone treatment for young people diagnosed with gender dysphoria. It is concerned that the delays and costs associated with obtaining the Court's authorization may compromise the success of such hormone treatment for the individuals concerned and cause them psychological harm, and welcomes the State party's willingness to reconsider the role of the Family Court in such matters. The Committee is also concerned that most states and territories require transgender persons to undergo surgical or medical treatment and be unmarried as a prerequisite for changing the legal record of their sex on cardinal documents (arts. 7, 17 and 26).

28. **The State party should:**

(a) **Consider ways to expedite access to stage two hormone treatment for gender dysphoria, including by removing the need for court authorization in cases featuring uncontested agreement among parents or guardians, the child concerned and the medical team, as long as the treatment is provided in accordance with the relevant medical guidelines and standards of care;**

(b) **Take the measures necessary to remove surgery and marital status requirements for sex change on birth, death and marriage certificates, taking into account the Committee's Views in communication No. 2172/2012, *G. v. Australia*.**

29. The Committee is concerned about the explicit ban on same-sex marriage in the Marriage Act 1961, which results in discriminatory treatment of same-sex couples, including in matters relating to divorce of couples who married overseas. While noting that the State party is currently conducting a voluntary, non-binding postal survey on the legalization of same-sex marriage, the Committee is of the view that resort to public opinion polls to facilitate upholding rights under the Covenant in general, and equality and non-discrimination of minority groups in particular, is not an acceptable decision-making method and that such an approach risks further marginalizing and stigmatizing members of minority groups (arts. 17 and 26).

30. **The State party should revise its laws, including the Marriage Act, to ensure, irrespective of the results of the Australian Marriage Law Postal Survey, that all its laws and policies afford equal protection to lesbian, gay, bisexual, transgender and intersex persons, couples and families, also taking into account the Committee's Views in communications No. 2172/2012, *G. v. Australia*, and No. 2216/2012, *C. v Australia*.**

Investigations into allegations of excessive use of force by the police

31. While noting the information provided on the role of coroners in various states in investigating allegations of excessive use of force by the police, the Committee is concerned that the close relationship between the police investigations and the coroners' investigations may compromise the independence of the coroners' investigations (arts. 2, 6, 7 and 14).

32. **The State party should ensure that all allegations of excessive use of force by the police, including deaths in custody, are investigated in a fully independent and impartial manner.**

Non-refoulement

33. While noting the information provided by the State party on the applicable standards and the safeguards in place, the Committee remains concerned that the domestic legal framework governing extradition, transfer or removal of non-citizens, including asylum seekers and refugees, does not afford full protection against non-refoulement. It is particularly concerned that:

(a) Regulations on extradition do not appear to comply fully with the non-refoulement standard under the Covenant, or provide for independent judicial review of non-refoulement assessments;

(b) Section 197C of the Migration Act 1958 provides that, for the purposes of removal of an unlawful non-citizen, it is irrelevant whether the State party has non-refoulement obligations in respect of such an individual, and that the individual may be removed without an assessment of non-refoulement concerns;

(c) Persons intercepted at sea through the so-called "Operation Sovereign Borders", which was launched in 2013, are subject to "on-water" assessments of their international protection needs at sea through a reportedly speedy process, without access to counsel or an effective possibility to legally challenge the decision;

(d) The Migration and Maritime Powers Legislation Amendment (Resolving the Asylum Legacy Caseload) Act 2014 introduced a new "fast track" assessment process for illegal maritime arrivals that removes key procedural safeguards at merits review, including a limited paper appeal process and restrictions on consideration of new evidence, and narrower access to free government-funded legal assistance for most asylum seekers. It also excludes certain categories of asylum seekers even from the limited form of merits review (arts. 2, 6, 7, 9 and 13).

34. **The State party should ensure that the non-refoulement principle is secured in law and strictly adhered to in practice, and that all asylum seekers, regardless of their mode of arrival, have access to fair and efficient refugee status determination procedures and non-refoulement determinations, including by:**

(a) **Repealing section 197 (c) of the Migration Act 1958 and introducing a legal obligation to ensure that the removal of an individual must always be consistent with the State party's non-refoulement obligations;**

(b) **Reviewing the policy and practices during interceptions at sea, including on-water assessments, to ensure that all persons under the State party's jurisdiction who are in need of international protection have access to fair and efficient asylum procedures within the territory of the State, including access to legal representation where appropriate, and to legal remedies. The State party should also allow monitoring of the processing of intercepted persons by international observers, including the Office of the United Nations High Commissioner for Refugees;**

(c) **Consider repealing the Migration and Maritime Powers Legislation Amendment (Resolving the Asylum Legacy Caseload) Act 2014.**

Offshore immigration processing facilities and Christmas Island

35. While noting the State party's position that it does not exercise effective control over unauthorized maritime arrivals taken to regional processing centres in Papua New Guinea and Nauru, the Committee recalls the "power or effective control" standard for jurisdiction laid out in its general comment No. 31 (2004) on the nature of the general legal obligation imposed on States parties to the Covenant. The Committee considers that the significant levels of control and influence exercised by the State party over the operation of the offshore regional processing centres, including over their establishment, funding and service provided therein, amount to such effective control. The Committee is concerned about:

(a) The conditions in the offshore immigration processing facilities in Papua New Guinea (Manus Island) and Nauru, which also hold children, including inadequate mental health services, the serious safety issues and instances of assault, sexual abuse, self-harm and suspicious deaths, and the fact that the harsh conditions have reportedly compelled some asylum seekers to return to their country of origin, despite the risks that they face there;

(b) Severe restrictions on access to and information regarding the offshore immigration processing facilities, including a lack of monitoring by the Australian Human Rights Commission;

(c) The closure of the Manus Island regional processing centre on 31 October 2017 without adequate arrangements for long-term viable relocation solutions for all the refugees and asylum seekers who were transferred there by the State party;

(d) The continued operation of the Christmas Island detention centre, notwithstanding the difficulties in ensuring the full protection of the rights of persons held there owing to its remoteness (arts. 2, 6, 7, 9, 10 and 13).

36. **The State party should:**

(a) **End its offshore transfer arrangements and cease any further transfers of refugees or asylum seekers to Nauru, Papua New Guinea or any other "regional processing country";**

(b) **Take all the measures necessary to protect the rights of refugees and asylum seekers affected by the closure of processing centres, including against non-refoulement, ensure their transfer to Australia or their relocation to other appropriate safe countries, and closely monitor their situation after the closure of the centres;**

(c) **Consider closing down the Christmas Island detention centre.**

Mandatory immigration detention

37. While noting the information concerning available safeguards against arbitrary detention, the Committee remains concerned (see CCPR/C/AUS/CO/5, para. 23) that the rigid mandatory detention scheme under the Migration Act 1958 does not meet the legal standards under article 9 of the Covenant due to the lengthy periods of migrant detention it allows and the indefinite detention of refugees and asylum seekers who have received adverse security assessments from the Australian Security Intelligence Organisation, without adequate procedural safeguards to meaningfully challenge their detention. The Committee is particularly concerned about what appears to be the use of detention powers as a general deterrent against unlawful entry rather than in response to an individual risk, and the continued application of mandatory detention in respect of children and unaccompanied minors, despite the reduction in the number of children in immigration detention. It is also concerned about poor conditions of detention in some facilities, the detention of asylum seekers together with migrants who have been refused a visa due to their criminal records, the high reported rates of mental health problems among migrants in detention, which allegedly correlate to the length and conditions of detention, and the reported increased use of force and physical restraint against migrants in detention (arts. 2, 7, 9, 10, 13 and 24).

38. The State party should bring its legislation and practices relating to immigration detention into compliance with article 9 of the Covenant, taking into account the Committee's general comment No. 35 (2014) on liberty and security of person (particularly para. 18). It should, inter alia: (a) significantly reduce the period of initial mandatory detention and ensure that any detention beyond that initial period is justified as reasonable, necessary and proportionate in the light of the individual's circumstances and is subject to periodic judicial review; (b) expand the use of alternatives to detention; (c) consider introducing a time limit on the overall duration of immigration detention; (d) provide for a meaningful right to appeal against the indefinite detention of individuals who have received adverse security assessments from the Australian Security Intelligence Organisation, including a fair opportunity to refute the claims against them; and (e) ensure that children and unaccompanied minors are not detained, except as a measure of last resort and for the shortest appropriate period of time, taking into account their best interests as a primary consideration with regard to the duration and conditions of detention and their special need for care. The State party should address the conditions of detention in immigration facilities, provide adequate mental health care, refrain from applying force or physical restraints against migrants and ensure that all allegations of use of force against them are promptly investigated, that perpetrators are prosecuted and, if convicted, punished with appropriate sanctions, and that victims are offered reparation.

Overrepresentation of indigenous Australians in prisons

39. The Committee is concerned about the significant overrepresentation of indigenous men, women and juveniles in prisons, with indigenous adult prisoners making up 27 per cent of the overall prison population as at 30 June 2016. The Committee notes with concern that mandatory sentencing and imprisonment for fine defaults might contribute to such disproportionately high rates of incarceration of indigenous Australians. It is also concerned that access to culturally appropriate legal assistance services, including interpretation and translation services, for marginalized and disadvantaged people such as Aboriginal and Torres Strait Islander peoples, remains insufficient (arts. 2, 9, 14, 26 and 27).

40. The State party should take robust measures to address the overrepresentation of indigenous Australians in prisons, inter alia, by identifying and revising regulations and policies leading to their high rates of incarceration, including the mandatory sentencing laws and imprisonment for fine default, and by enhancing the use of non-custodial measures and diverting programmes. It should give due consideration to the forthcoming recommendations of the Australian Law Reform Commission's inquiry into the incarceration of Aboriginal and Torres Strait Islander peoples, and of the Royal Commission's inquiry into the Protection and Detention of Children in the Northern Territory. The State party should ensure that adequate, culturally-appropriate and accessible legal services are available to Aboriginal and Torres Strait Islander people.

Treatment of prisoners

41. The Committee is concerned about reports of prison overcrowding, inadequate mental health-care facilities, solitary confinement and routine strip searches in places of detention (arts. 7 and 10).

42. The State party should:

(a) Eliminate overcrowding in places of detention, including by increasing resort to non-custodial alternative measures to detention;

(b) Ensure adequate mental health care for prisoners;

(c) Refrain from imposing solitary confinement, except in the most exceptional circumstances and for strictly limited periods;

(d) Ensure that persons deprived of liberty are treated with humanity and with respect for the inherent dignity of the human person;

(c) **Act on the commitment to ratify the Optional Protocol to the Convention against Torture and ensure that the national preventive mechanism to be established following ratification will be granted access to all places of deprivation of liberty under the jurisdiction of the State party.**

Juvenile justice

43. While noting the rebuttable presumption that a child between the ages of 10 and 14 years of age is incapable of committing a crime, the Committee remains concerned that the age of criminal responsibility for Commonwealth, state and territory offences is 10 years (arts. 9, 14 and 24).

44. **The State party should raise the minimum age of criminal responsibility, in accordance with international standards.**

Metadata retention

45. While noting the availability of administrative oversight mechanisms concerning access to metadata retained by telecommunications providers for two years, the Committee is concerned about the lack of judicial authorization for access to such metadata and its extensive use in national security, including counter-terrorism, and criminal investigations (art. 17).

46. **The State party should strengthen the safeguards against arbitrary interference with the privacy of individuals with regard to accessing metadata by introducing judicial control over such access.**

Right to vote

47. The Committee is concerned that section 93 (8) of the Commonwealth Electoral Act 1918 denies the right to vote to any person of "unsound mind" and that similar provisions are contained in state and territory electoral legislation. It is also concerned that Queensland still maintains a blanket denial of the right to vote in local and state elections for all prisoners serving a prison sentence, and that restrictions on prisoner voting have a disproportionate impact on indigenous peoples in view of their overrepresentation in prisons (arts. 10, 25 and 26).

48. **The State party should ensure that federal, state and territory electoral legislation does not discriminate against persons with intellectual and psychosocial disabilities by denying them the right to vote on bases that are disproportionate or that have no reasonable or objective relation to their ability to vote. It should also ensure that Queensland affords the right to vote to convicted prisoners, and review the impact of restrictions on prisoner voting on political participation by indigenous peoples.**

Rights of indigenous peoples

49. While noting the establishment of the National Congress of Australia's First Peoples in 2010, the Committee is concerned about its limited funding. Furthermore, while welcoming the Prime Minister's statement in support of the recommendations made by the Referendum Council in its report of 30 June 2017, the Committee notes the lack of a timeline for a referendum on constitutional recognition of Aboriginal and Torres Strait Islander peoples and the uncertain status of proposals for constitutional reform to render the Constitution fully compatible with the obligation to respect and ensure the equal rights of indigenous peoples (art. 27).

50. **The State party should: (a) provide adequate funding to the National Congress of Australia's First Peoples; (b) consider revising the Constitution in order to recognize the special status and fully protect the equal rights of Aboriginal and Torres Strait Islander peoples; and (c) take appropriate legislative and administrative measures to protect and promote the rights of Aboriginal and Torres Strait Islander peoples, and ensure genuine consultations with land holders and effective protection**

and management of indigenous heritage sites in the process of implementation of the White Paper on Developing Northern Australia.

51. While noting the various reforms implemented, the Committee remains concerned (see CCPR/C/AUS/CO/5, para. 16) about the high standard of proof required to demonstrate ongoing connection with the land under the Native Title Act 1993 and about the extreme difficulties in obtaining compensation under the current native title scheme for those people who had their native title extinguished. The Committee notes that many of the recommendations emanating from the Australia Law Reform Commission's "Connection to Country: Review of the Native Title Act 1993" and of the Council of Australian Governments' "Investigation into Indigenous Land Administration and Use" have not been implemented (arts. 2 and 27).

52. **The State party should remove the barriers to the full protection of indigenous land rights and consider amending the Native Title Act 1993, taking into account the Covenant and relevant international standards.**

53. While noting that compensation or reparation schemes for stolen wages have been instituted in New South Wales, Queensland and Western Australia, the Committee is concerned that no national compensation mechanism has been instituted to date (arts. 2 and 27).

54. **The State party should establish a national reparation mechanism, including compensation schemes, for victims of the "stolen generation".**

D. Dissemination and follow-up

55. The State party should widely disseminate the Covenant, its two Optional Protocols, its sixth periodic report and the present concluding observations with a view to raising awareness of the rights enshrined in the Covenant among the judicial, legislative and administrative authorities, civil society and non-governmental organizations operating in the country, and the general public.

56. In accordance with rule 71, paragraph 5, of the Committee's rules of procedure, the State party is requested to provide, by 10 November 2019, information on the implementation of the recommendations made by the Committee in paragraphs 34 (non-refoulement), 36 (offshore immigration processing facilities) and 38 (mandatory immigration detention) above.

57. The Committee requests the State party to submit its next periodic report by 10 November 2023. Given that the State party has accepted the simplified reporting procedure, the Committee will transmit to it a list of issues prior to the submission of the report in due course. The State party's replies to that list will constitute its seventh periodic report. In accordance with General Assembly resolution 68/268, the word limit for the report is 21,200 words.